

Entered - 09-04-01 - sb
CL 01L0541 - GWENDOLYN BURNS

CLAIM OF: JENNIFER MARNOWSKI
4151 North Stratford Road
Atlanta, Georgia 30342

01-12-1611

For vehicular damages alleged to have been sustained as a result of a sanitary sewer manhole that was under construction and left in an unsafe condition at on May 5, 2001 at 4199 Peachtree-Dunwoody Road, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **JENNIFER MARNOWSKI** the sum of **\$904.61** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a sanitary sewer manhole that was under construction and left in an unsafe condition at on May 5, 2001 at 4199 Peachtree-Dunwoody Road, NE is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED:
SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 

ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0541

Date: September 14, 2001

Claimant /Victim JENNIFER MARNOWSKI
BY: (Atty) (Ins. Co.) _____
Address: 4151 North Stratford Road, Atlanta, Georgia 30342
Subrogation: _____ Claim for Property damage \$ 904.61 Bodily Injury \$ _____
Date of Notice: 8/2/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
Date of Occurrence 5/5/01 Place: 4199 Peachtree-Dunwoody Road, NE
Department PUBLIC WORKS Division _____ Sewer Operations _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was driven over a sanitary sewer manhole that was under construction and left in an unsafe condition.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - WENDOLYN BURNS

RECOMMENDATION:

Pay \$ 904.61 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager:  Concur/date 09-15-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

AUG 02 2001

MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date: 7/26/01

ENTERED - 9-4-01 - SB
0110541 - GWEN BURNS

BURNS
08/23/01
AL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 904.61 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: MAY 5, 2001 2. Time of Incident: 9:30 AM 3. Police called: X
(month/day/year) Yes No

4. Location of incident (including street address): 4199 PEACHTREE - DUNWOODY RD.

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: A MANHOLE WAS BEING WORKED ON - AT THE TIME NO WORKERS WERE THERE. THE AREA AROUND THE MANHOLE HAD BEEN DUG OUT - NO MARKER WAS PLACED TO WARN

MOTORISTS OF THE HUGE HOLE THAT HAD DEVELOPED AROUND IT & THAT AREA COULDN'T BE SEEN CLEARLY B/C IT WAS SHADED.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: SAAB 900 CONVERTIBLE, 1998/457 ZRG 1 Jennifer Marnowski (Egan-Fowler)
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: STEVE EGAN-FOWLER 4151 N. STRATFORD RD 4/467-4997
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Jennifer Marnowski
Signature of Claimant (Egan-Fowler)

Jennifer Marnowski (EGAN-FOWLER)
(Print Claimant's Name)

4151 N. STRATFORD RD.
(Address)

ATLANTA, GA 30342
(City, State and Zip Code)

4/827-1503 4/467-4997
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0541

\$ 904.61

IN CONSIDERATION of the sum of NINE HUNDRED AND FOUR AND 61/100
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of a automobile incident
which occurred on or about 5th day of May, 2000,
at or near 4199 Peachtree Dunwoody Rd, NE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 17th day of Sept., 20 01.

Jennifer Marnowski (LS)
JENNIFER MARNOWSKI

The above release was read and explained to, and signed by the said Jennifer
Marnowski in our presence on the date above written.

[Signature]
[Signature]
WITNESSES